

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**SECOND LEGISLATIVE DAY  
TUESDAY, JANUARY 10, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Goedde and Richardson, absent and formally excused by the Chair; and Senator Marley, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Angela Andersen, Page.

The Senate advanced to the Third Order of Business.

### **Reading and Correction of the Journal**

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 9, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### **Messages from the Governor**

Senator Marley was recorded present at this order of business.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Vern Driver of Orofino, Idaho, was appointed as a member of the Idaho Board of Tax Appeals to serve a term commencing September 30, 2005, and expiring June 30, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Local Government and Taxation Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joseph S. Bleymaier of Boise, Idaho, was appointed as Administrator of the Idaho Division of Veterans Services to serve a term commencing May 31, 2005, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tom Kealey of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing April 11, 2005, and expiring April 11, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Vaughn Heinrich of Caldwell, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing May 13, 2005, and expiring April 11, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Larry A. Crowley of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 1, 2005, and expiring June 30, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Charles Hedemark of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 1, 2005, and expiring June 30, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Randolph J. Hill of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 2, 2005, and expiring June 30, 2006.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that E. Robert (Bob) Mooney of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 2, 2005, and expiring June 30, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ralph Williams of Heyburn, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 2, 2005, and expiring June 30, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Anthony R. McDermott of Sagle, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing October 12, 2005, and expiring June 30, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Peter J. Black of Pocatello, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2005, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Michael Brassey of Boise, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2005, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Clarisse Maxwell of Boise, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2005, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary Blick of Castleford, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing January 31, 2006, and expiring January 31, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sherry Krulitz of Pinehurst, Idaho, was appointed as a member of the Idaho Judicial Council to serve a term commencing July 1, 2005, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Brent Baker of Sandpoint, Idaho, was appointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2005, and expiring July 24, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Marc Brinkmeyer of Laclede, Idaho, was appointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2005, and expiring July 24, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Douglas A. Hancey of Rexburg, Idaho, was appointed as a member of the Park and Recreation Board to serve a term commencing June 30, 2005, and expiring June 30, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeff Cilek of Boise, Idaho, was appointed as a member of the Idaho Public Employee Retirement System Board to serve a term commencing July 1, 2005, and expiring July 1, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Daniel Fuchs of Twin Falls, Idaho, was appointed as a member of the Idaho Board of Health and Welfare to serve a term commencing January 1, 2005, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

#### **Motions and Resolutions**

On request by Senator Davis, granted by unanimous consent, Senator Russ Fulcher was assigned as a member of the Agricultural Affairs and Education Committees for the Second Session of the Fifty-eighth Idaho Legislature.

On request by Senator Davis, granted by unanimous consent, Senator Mike Jorgenson was assigned as Vice Chairman of the Education Committee and as a member of the Transportation Committee for the Second Session of the Fifty-eighth Idaho Legislature.

The Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

##### **S 1241 BY SCHROEDER AN ACT**

RELATING TO PREKINDERGARTEN SCHOOL AGE; AMENDING SECTION 33-201, IDAHO CODE, TO PROVIDE A MINIMUM AGE REQUIREMENT FOR ATTENDANCE IN PREKINDERGARTEN IN SCHOOL DISTRICTS WHICH CONDUCT PREKINDERGARTEN AND TO MAKE A TECHNICAL CORRECTION.

**S 1241** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:55 a.m. until the hour of 11:30 a.m., Wednesday, January 11, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary